

# Presidential Documents

Title 3—

Presidential Determination No. 83-2 of October 11, 1982

The President

## FY 1983 Refugee Ceilings

Memorandum for the Honorable H. Eugene Douglas, United States Coordinator for Refugee Affairs

Pursuant to Sections 207(a) and 207.1(a)(3) and in accordance with Section 209(b) of the Immigration and Nationality Act (INA), after appropriate consultations with the Congress, I hereby determine that:

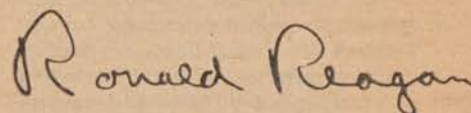
- the admission of up to 90,000 refugees to the United States during FY 1983 is justified by humanitarian concerns or is otherwise in the national interest;
- the 90,000 refugee admission ceiling shall be allocated as 64,000 for East Asia; 15,000 for the Soviet Union/Eastern Europe; 6,000 for the Near East/South Asia; 3,000 for Africa; and 2,000 for Latin America/Caribbean; and
- an additional 5,000 refugee admission numbers to be available for the adjustment to permanent residence status of aliens who have been granted asylum in the United States is justified by humanitarian concerns or is otherwise in the national interest.

Pursuant to Section 101(a)(42)(B) of the INA and after appropriate consultations with the Congress, I hereby specify that special circumstances exist such that, for the purposes of admission under the limits established herein, the following persons, if they otherwise qualify for admission, may be considered refugees of special humanitarian concern to the United States even though they are still within their countries of nationality or habitual residence:

- persons in Vietnam with past or present ties to the United States; and
- present and former political prisoners, and persons in imminent danger or loss of life, and their family members, in countries of Latin America and the Caribbean.

You will inform the appropriate committees of the Congress of these determinations.

This memorandum shall be published in the **Federal Register**.



THE WHITE HOUSE,  
Washington, October 11, 1982.





# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Parts 273 and 282

[Amendment No. 206]

#### Food Stamp Program: Removal of Certain References and Demonstration Project Pre-Operational Procedures From the Code of Federal Regulations

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** On February 12, 1982 (47 FR 6433), the Department issued proposed Food Stamp Program rules to remove all references to the actual dollar amounts of the maximum income eligibility limits, thrifty food plan (TFP) amounts, standard deduction amounts, child care deduction amounts, and excess shelter deduction amounts from the Code of Federal Regulations (CFR). The proposed rules also required the Department to publish periodic general notices in the *Federal Register* to solicit comments on the subjects and issues of planned demonstration projects that might have significant impact and to announce the start of such demonstration projects. Such proposed and final notice procedures would be in lieu of current requirements.

Comments were solicited on this proposed rule through April 13, 1982. This final action addresses the comments received and explains the basis and purpose of the new procedures. This final rule is supported by most commenters and simplifies administrative procedures in order to provide State agencies with more advance time to implement cost-of-living adjustments in financial eligibility

criteria and to begin demonstration projects.

**EFFECTIVE DATE:** This action is effective November 18, 1982.

**FOR FURTHER INFORMATION CONTACT:** Thomas O'Connor, Supervisor, Regulations and Policy Section, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Room 708, 3101 Park Center Drive, Alexandria, Virginia 22302: 703-756-3429.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512-1. This action deletes the need to use formal rulemaking procedures for announcing annual changes in certain eligibility, benefit and deduction information and for initiating demonstration projects. This information currently required by the provisions being deregulated can be released to the public by other, more timely, means available to the agency, in lieu of formal rulemaking procedures. Under current procedures annual cost of living or other adjustments required by statute are published as formal regulations, and are codified in the Code of Federal Regulations (CFR). Changes to those levels must be issued through other regulations, also codified in the CFR. These rules will permit routine adjustments through *Federal Register* notices, thus eliminating the lengthier process of rulemaking, and unnecessary amendments to the CFR while still providing timely *Federal Register* notice to the public.

There is no cost involved in this action, thus, the rule would not result in an annual effect on the economy of \$100 million or more or a major increase in costs or prices for consumers, industries, Federal, State or local governments, or geographical regions. Additionally, this action would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the rule has been classified as "not major."

This final action has also been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354).

Mr. Samuel J. Cornelius, Administrator of the Food and Nutrition Service, has certified that this action has no economic impact on small entities. The action simply results in the deregulation of certain information that can be released to the public through other than formal regulatory procedures and allows more timely release of the information without jeopardizing public interest. In addition, this regulation does not contain reporting and recordkeeping requirements subject to approval by OMB under the Paperwork Reduction Act.

The Department received 20 comment letters on the February 12, 1982 proposed regulations. The majority of commenters supported the provisions as written. Commenters were hopeful that deregulation of the dollar amounts would provide more lead time to implement adjustments in the eligibility and benefit levels.

Commenters generally agreed with the proposed procedures to solicit public input on significant demonstration projects and to announce the start of such a project through publication of General Notices in the *Federal Register*, in lieu of publishing regulations. This procedure will allow more flexibility in designing projects, will expedite project initiation and will avoid needless codifications of project rules in the Code of Federal Regulation. Three commenters opposed the provisions, stating that the Notice procedure eliminates or cuts off the public's opportunity for meaningful comments before a demonstration project begins.

The Department does not share the commenters' conclusion that the public interest would be jeopardized. The current regulations require the agency to publish proposed rules in the *Federal Register* if the proposed demonstration project is likely to have significant impact on the public. Comments are considered and final rules issued prior to project operation.

Under the General Notice procedures, as in the procedures discussed above, advance public comment would be solicited. The subjects and issues involved in potential demonstration projects would be published for public comments. Moreover, a project likely to have significant impact would be announced in the *Federal Register* along with an analysis of the basis and purpose of the project. A specific and



detailed final Notice will set forth operational procedures and any provisions of law or regulations to be waived.

Comments received in response to a specific final Notice, already based on public input, will still receive serious consideration by the Department. Based on these comments the Department will take such action as may be appropriate before the project is implemented. Notice of significant changes in the operational procedures will be made available to affected participants. The final procedures as amended, will be published in the *Federal Register* if any significant changes have been made in the prior Notice. The relatively limited scope and size of most demonstration projects shall facilitate changes in project operations and in restructuring the evaluation components in response to comments.

The Department has always been committed to improving the efficiency of the Program and the delivery of services. Demonstration projects are one means of carrying out that commitment by testing new procedures. The longer it takes to begin and test alternative procedures through a demonstration project, the longer it takes to put into effect a nationwide procedure that could make a significant improvement in Program administration, or in delivery of services. Delays of 4-6 months have occurred in the implementation of demonstration projects solely because of the use of a formal rulemaking procedure.

These notice procedures which invite public comment are less complicated and less time-consuming than the former procedures but achieve the same goals. Both procedures provide opportunity of public participation and the careful consideration of projects likely to have significant impact before their implementation. Additionally, these *General Notice* procedures will avoid needless codification of project requirements in the Code of Federal Regulations. The double cycle of notice and comment analysis should allow for precise fine tuning of these projects.

In light of the majority support from commenters and the reasons set forth herein, the provisions of the proposed rules are by this final action. However, the proposed language to amend demonstration procedures is slightly modified to more clearly express these rules. Also the proposed language to amend 7 CFR 273.9(d)(5) is slightly rearranged for clarity and modified to reflect language added or changed by subsequent final rules issued September 4, 1981 (46 FR 447612) and April 30, 1982 (47 FR 63460).

## List of Subjects

### 7 CFR Part 273

Administrative practice and procedure, Aliens, Claims, Food stamps, Fraud, Grant programs/social programs, Penalties, Recordkeeping and reporting requirements, Social security, Students.

### 7 CFR Part 282

Food stamps, Government contracts, Grant programs/Social programs, Research.

Accordingly, Parts 273 and 282 are being amended as follows:

## PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

### 1. In § 273.9:

- a. Paragraph (a)(4) is revised;
- b. Paragraphs (d)(1), (d)(4), and (d)(5) are revised; and
- c. Appendices A, B, C, and D are removed.

The revisions read as follows:

### § 273.9 Income and deductions.

#### (a) *Income eligibility standards.* \* \* \*

(4) The monthly gross and net income eligibility standards for all areas will be prescribed in General Notices published in the *Federal Register*. \* \* \*

#### (d) *Income deductions.* \* \* \*

(1) *Standard deduction.* The per household per month standard deduction amounts applicable for use in the 48 contiguous States and the District of Columbia, and the amounts applicable for Alaska, Hawaii, Guam, and the Virgin Islands are adjusted annually and will be prescribed in General Notices published in the *Federal Register*. \* \* \*

(4) *Departure care.* Payments for the actual costs for the care of a child or other dependents when necessary for a household member to accept or continue employment, seek employment in compliance with the job search criteria (or an equivalent effort by those not subject to job search), or attend training or pursue education which is preparatory to employment. The deduction amounts applicable for use in the 48 contiguous States and the District of Columbia, and the amounts applicable for Alaska, Hawaii, Guam, and the Virgin Islands are adjusted annually and will be prescribed in general Notices published in the *Federal Register*.

(5) *Shelter costs.* Monthly shelter costs in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1), (d)(2), (d)(3), and (d)(4) of this section have been allowed. The shelter deduction alone, or in combination with the

dependent care deduction explained in paragraph (d)(4) of this section shall not exceed the maximum limit established for the dependent care deduction. This is applicable unless the household contains a member who is age 60 or over, or who receives Supplemental Security Income benefits (including emergency benefits based on presumptive eligibility) under title XVI, or disability and blindness payments under titles I, II, X, XIV, and XVI of the Social Security Act. Such households shall receive an excess shelter deduction for the monthly cost that exceeds 50 percent of their monthly income after all other applicable deductions. The shelter deduction amount applicable for use in the 48 contiguous States and the District of Columbia, and the amounts applicable for use in Alaska, Hawaii, Guam, and the Virgin Islands are adjusted annually and will be prescribed in General notices published in the *Federal Register*.

2. In § 273.10, the parenthetical phrase "(see appendix to § 273.9)", appearing in the first sentence of paragraph (e)(1)(i)(E) is removed; the last sentence of paragraph (e)(4)(i) is revised; and appendix A is removed. The revision reads as follows:

### § 273.10 Determining household eligibility and benefit level.

(e) *Calculating net income and benefit levels.* \* \* \*

#### (4) *Thrifty Food Plan.*

(i) \* \* \* The Thrifty Food Plan amounts in each area are adjusted annually and will be prescribed in General Notices published in the *Federal Register*.

## PART 282—DEMONSTRATION, RESEARCH, AND EVALUATION PROJECTS

3. Section 282.2 is revised in its entirety to read as follows:

### § 282.2 Project initiation.

The Secretary shall, from time to time, publish a list of priority areas being considered for demonstration, research, and evaluation efforts, and invite and consider public comment on such lists. In determining such priority areas, the Secretary shall consider suggestions submitted by State and local agencies and other interested parties. The Secretary shall, as appropriate, seek grant proposals, through publication of a notice of intent in the *Federal Register*,



or contract proposals, in accordance with the procedures prescribed in the Federal procurement regulations. (41 CFR, Ch. I.)

4. Section 282.5 is revised in its entirety to read as follows:

**§ 282.5 Public Notice procedures for demonstration projects.**

(a) *General Notices:* At least 30 days prior to the initiation of a demonstration project, FNS shall publish a General Notice in the *Federal Register* if the demonstration project will likely have a significant impact on the public. The notice shall set forth the specific operational procedures, shall consider the public comment received under section 282.2, and shall explain the basis and purpose of the demonstration project. If significant comments are received in response to this General Notice, the Department will take such action as may be appropriate prior to implementing the project.

(b) *Amended General Notices:* If the procedures or explanation referred to in paragraph (a) of this section are significantly changed because of comments, an amended General Notice will be published in the *Federal Register* at least 30 days prior to the initiation of the demonstration project, except where good cause exists supporting a shorter effective date. The explanation for the determination of good cause will be published with the amended General Notice. The amended General Notice shall also explain the basis and purpose of the changes.

(c) *Reporting and Recordkeeping Requirements:* In addition, for demonstration projects with reporting and recordkeeping requirements which exceed the requirements set forth in OMB Circular A-102, the Department will obtain the necessary approval from OMB prior to project implementation.

(91 Stat. 958 (7 U.S.C. 2011-2029))

(Catalog of Federal Domestic Assistance, Program No. 10.551, Food Stamps)

Dated: October 13, 1982.

Robert E. Leard,

Associate Administrator Food and Nutrition Service.

[FR Doc. 82-28484 Filed 10-18-82; 8:45 am]

BILLING CODE 3410-30-M

## Agricultural Marketing Service

### 7 CFR Part 906

#### Oranges and Grapefruit Grown in Texas; Amendment to Container Regulation

AGENCY: Agricultural Marketing Service, USDA.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This interim rule amends container regulations issued under the marketing order by deleting the 1% bushel carton currently authorized, while providing handlers an opportunity to deplete their current inventories of this container by permitting such inventories to be used through July 31, 1983. Such action is necessary to eliminate a container, which is no longer needed or considered desirable for the shipment of fresh oranges and grapefruit.

**DATES:** Interim rule effective October 19, 1982, through December 31, 1982. Comments which are received by November 18, 1982, will be considered prior to issuance of a final rule to become effective January 1, 1983.

**ADDRESS:** Send two copies of comments to Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

**FOR FURTHER INFORMATION CONTACT:** William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

**SUPPLEMENTARY INFORMATION:** This interim rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the Texas orange and grapefruit crops for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This interim rule is issued under the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Texas Valley Citrus Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This amendment revokes authorization which currently permits shipment of oranges and grapefruit in the 1% bushel carton (inside dimensions of 19 1/2 x 13 1/2 x 13 inches), while providing handlers an opportunity to

deplete their current inventories of this container. The committee recommended that the container be eliminated because it is reportedly difficult to pack and load due to its shape and relatively large size, and as it does not adequately protect the fruit from bruising when stacked several layers high in trailers for shipment to market. In addition, elimination of the container will reduce the number of types of containers which handlers need maintain in inventory, and should simplify their packing operations.

The committee also recommended that handlers be provided an opportunity to use any supplies of this container which they currently have in their inventories, and it estimates that such inventories will be exhausted by the end of the 1982-83 season. The committee unanimously recommended this action at its meeting of August 31, 1982.

The interim rule also revises CFR numerical designations relating to the United States grade standards for oranges and grapefruit consistent with redesignations appearing in *Federal Register* (46 FR 63203), while not changing the grade standards themselves; and makes minor nonsubstantive changes relating to definitions, and to the removal of obsolete language pertaining to a container for which authorization has expired.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this interim rule until 30 days after publication in the *Federal Register* (5 U.S.C. 553) in that the time intervening between the date when information upon which this interim rule is based became available and the time when this interim rule must become effective in order to effectuate the declared policy of the act is insufficient. It is necessary to effectuate the declared purposes of the act to make this interim rule effective as specified, and handlers have been apprised of such provisions and the effective time.

#### List of Subjects in 7 CFR Part 906

Marketing agreements and orders.  
Oranges, Grapefruit, Texas.

#### PART 906—[AMENDED]

Therefore, § 906.340, under *Subpart—Containers and Pack Requirements*, is amended by revising the introductory text in paragraph (a); by revising paragraphs (a)(1)(iii), (a)(2)(i)(a), (a)(2)(ii), and (c); and by deleting paragraph (a)(1)(ix), to read as follows